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9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 KEYHERRA GREEN ,
13 Plaintiff,
14 vs.

15 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; FRED MERRICK; LORA
16 CODY; and DOES 1-10, inclusive,
Defendants.

Case No. 2:20-cv-00769-KJD-DJA

**STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE
(Fourth Request)**

17
18 Las Vegas Metropolitan Police Department, Fred Merrick and Lora Cody (“LVMPD
19 Defendants”), and Plaintiff, Keyherra Green (“Plaintiff”) by and through their respective counsel,
20 hereby stipulate, agree, and request that this Court extend the dispositive motion deadline from the
21 current date of August 7, 2023 up to and including August 14, 2023.

22 **I. DISCOVERY COMPLETED TO DATE**

23 The parties have completed all discovery in this matter and discovery closed on August 4,
24 2022, [ECF No. 87].

1 **II. DISCOVERY YET TO BE COMPLETED**

2 Discovery is complete. The parties are requesting an extension of the current dispositive
3 motion deadline only.

4 **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

5 The parties previously filed several Stipulations extending the dispositive motion deadline
6 as the Court had not yet ruled on a pending Motion to Dismiss. This Court granted the extensions
7 on each occasion. [ECF Nos. 89, 92 and 98].

8 On March 7, 2023, the Court had a hearing on the pending Motion to Dismiss. [ECF No.
9 97]. The Court granted Plaintiff leave to file a Motion for Leave to Amend Complaint with a
10 proposed Amended Complaint to be attached which Plaintiff filed on March 27, 2023. [ECF No.
11 99]. After discussions between Counsel, the parties submitted a Stipulation to Allow Plaintiff to
12 File the Fourth Amended Complaint which this Court granted. [ECF No. 110]. In that Stipulation,
13 the parties also extended the dispositive motion deadline to August 7, 2023.

14 The parties recognize that they are making this request fewer than twenty-one days before
15 the current dispositive motion deadline of August 7, 2023. However, the parties submit that good
16 cause and excusable neglect exists for the delay.

17 LR 26-3 states in relevant part:

18 A motion or stipulation to extend a deadline set forth in a discovery plan
19 must be received by the court no later than 21 days before the expiration of
20 the subject deadline. A request made within 21 days of the subject deadline
 must be supported by a showing of good cause. A request made after the
 expiration of the subject deadline will not be granted unless the movant also
 demonstrates that the failure to act was the result of excusable neglect.

21 In evaluating excusable neglect, the court considers the following factors: (1) the reason
22 for the delay and whether it was in the reasonable control of the moving party, (2) whether the
23 moving party acted in good faith, (3) the length of the delay and its potential impact on the
24

proceedings, and (4) the danger of prejudice to the nonmoving party. *See Pioneer Inv. Servs. Co. v. Brunswick Assocs.*, 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993).

Here, Counsel for the LVMPD Defendants has been busy with deadlines, hearings and depositions in other matters while preparing her child to move out of state to attend medical school. In addition, Counsel will be out of the state delivering her child to medical school and attending her induction “white-coat” ceremony on August 6, 2023. In the midst of this planning and preparation, Counsel inadvertently did not realize that the dispositive deadline was the day after she will return from her child’s induction ceremony. As such, excusable neglect exists and another brief extension of the current deadline is warranted.

PROPOSED EXTENDED DEADLINES

The parties respectfully request this Court enter an order as follows:

(A) Discovery Deadline.

The parties are not seeking an extension of this deadline.

(B) Experts and Rebuttal Experts.

The parties are not seeking an extension of this deadline.

(C) Dispositive Motions.

All pretrial motions, including but not limited to, discovery motions, motions to dismiss, motions for summary judgment, and all other dispositive motions shall be filed and served on or before August 14, 2023.

(D) Motions in Limine/*Daubert* Motions.

Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and the motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with leave of the Court.

1 **(E) Pretrial Order.**

2 The parties are not currently seeking an extension of this deadline. Pursuant to LR
3 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later than thirty (30) days after
4 the date set for filing dispositive motions, unless dispositive motions are filed, in which case the
5 date for filing the Joint Pretrial Order shall be suspended until 30 days after the decision on the
6 dispositive motions or further order of this Court. The disclosures required by Fed. R. Civ. P.
7 26(a)(3) and any objections shall be included in the final pretrial order.

8 **(F) Extensions or Modification of the Discovery Plan and Scheduling Order.**

9 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
10 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
11 supported by a showing of good cause for the extension. All motions or stipulations to extend a
12 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before
13 the expiration of the subject deadline. A request made after the expiration of the subject deadline
14 shall not be granted unless the movant demonstrates that the failure to set was the result of
15 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall
16 include:

- 17 (a) A statement specifying the discovery completed;
- 18 (b) A specific description of the discovery that remains to be completed;
- 19 (c) The reasons why the deadline was not satisfied or the remaining discovery was not
20 completed within the time limits set by the discovery plan; and
- 21 (d) A proposed schedule for completing all discovery.

22 The parties recognize that they are making this request fewer than twenty-one days before
23 the current dispositive motion deadline of August 7, 2023, however the parties submit that good
24 cause and excusable neglect exists for the delay.

1 There is good cause for the requested extension as shown above. Moreover, the delay in
2 requesting the current extension was an inadvertent error on the part of Counsel and excusable
3 neglect exists. The extension will not delay the proceedings but will allow the parties the necessary
4 time to litigate the case and prepare and file dispositive motions.

5 DATED this 25th day of July, 2023.

6 KAEMPFER CROWELL

PETER GOLDSTEIN LAW CORP

7 By: /s/ Lyssa S. Anderson

By: /s/ Peter Goldstein

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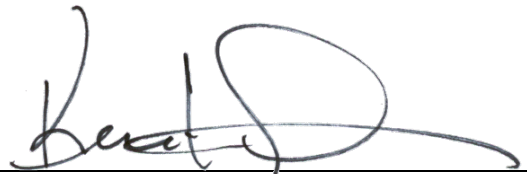
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Attorneys for Plaintiff

14 **IT IS SO ORDERED.**

15 DATED 07/27/2023



UNITED STATES DISTRICT COURT JUDGE